



# Indiana State Board of Education

Room 225 State House  
Indianapolis, Indiana 46204-2798

## MEMORANDUM

**TO:** State Board of Education

**FROM:** Jeff Zaring, State Board Administrator

**DATE:** October 27, 2009

**SUBJECT:** Readoption of Rules Scheduled to Expire January 1, 2010

Administrative rules expire by law on January 1 of the seventh year after adoption. Several State Board of Education rules are scheduled to expire on January 1, 2010. The Department requests that the State Board of Education adopt LSA Document # to readopt several rules. The rule and text of the rules recommended for adoption are attached. The Board previously decided to allow 511 IAC 6-7-4, Seven semester attendance requirement for graduation, to expire: (1) 511 IAC 5-3-1, Definitions for Graduation Qualifying Examination; and (2).

The rationale for the recommendation is as follows:

Rule	Content	Recommendation
511 IAC 4-4-4	Allows a school corporation to receive services from an Educational Service Center (ESC) other than the Center to which the corporation belongs. It allows ESCs to provide services to nonpublic schools.	Readopt. Confers benefits that otherwise might not be available. The Department has engaged ESC Directors in a review of services. Rule recommendations may be forthcoming.
511 IAC 5-1-3	Allows a school corporation to issue a GED diploma. State law requires the Department to do so.	Readopt. Permissive.
511 IAC 5-1-4	Allows the Department to establish GED test sites and requires test sites to provide information to the Department.	Readopt. Necessary for program administration.
511 IAC 5-1-4.5	Requires completion of test battery within 35 days.	Readopt. Necessary for program administration.
511 IAC 5-2-3	Statement of applicability for ISTEP program (grades tested, schools that must administer, general requirements for special education and limited English proficient students)	Readopt to avoid lapse. The Board has proposed significant changes, which are in progress.
511 IAC 5-3-1	Definitions for Graduation Examination	Readopt. Necessary until

		proposed rules are adopted and Core 40 waiver to Graduation Examination is eliminated on July 1, 2010.
511 IAC 6-7-7	Correspondence credits permitted.	Readopt but begin process to amend to broaden to encourage online courses. The Department is engaged in a process to bring recommendations for virtual schools.
511 IAC 6-8 [all sections except 6-8-4]	Nonstandard course or curriculum approval.	Readopt. Provides mechanism to request waivers in areas where blanket authority does not apply.
511 IAC 6.1-5-3.5	Middle School curriculum.	Readopt to avoid lapse. The Board has proposed significant changes, which are in progress.
511 IAC 6.2-6-4	General requirements for school improvement and performance categories (definition of cohort for improvement, use of rolling averages).	Readopt to avoid lapse. The Board is discussing new accountability provisions.
511 IAC 6.2-6-8	Use of disaggregated data required for AYP.	Readopt. Incorporates disaggregated data into accountability system. Review as a part of discussion of new accountability provisions.
511 IAC 6.2-6-12	Provides for appeal of PL 221 category placement.	Readopt. Due process provision.
511 IAC 6.2-7 [all sections except 6.2-7-2 and 6.2-7-8]	Adequate Yearly progress determination.	Readopt. Required for federal compliance.

As a reminder, rules cannot be amended through this process. They either may be readopted as they exist or allowed to expire.

# **TITLE 511 INDIANA STATE BOARD OF EDUCATION**

## **Readopted Final Rule**

LSA Document #09-701(F)

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

511 IAC 4-4-4; 511 IAC 5-1-3; 511 IAC 5-1-4; 511 IAC 5-1-4.5; 511 IAC 5-2-3; 511 IAC 5-3-1; 511 IAC 6-7-7; 511 IAC 6.1-5-3.5; 511 IAC 6.2-6-4; 511 IAC 6.2-6-8; 511 IAC 6.2-6-12; 511 IAC 6.2-7.

### **SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:**

511 IAC 4-4-4	Membership; participation; services to nonpublic educational units
511 IAC 5-1-3	Authority to grant diploma
511 IAC 5-1-4	Testing centers and procedures
511 IAC 5-1-4.5	Time limit
511 IAC 5-2-3	Applicability
511 IAC 5-3-1	Definitions
511 IAC 6-7-7	Nonstandard Courses and Curriculum Programs
511 IAC 6.1-5-3.5	Middle level curriculum
511 IAC 6.2-6-4	School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students
511 IAC 6.2-6-8	Disaggregated data and category placement
511 IAC 6.2-6-12	Appeal of category placement
511 IAC 6.2-7	Adequate yearly progress

#### **511 IAC 4-4-4 Membership; participation; services to nonpublic educational units**

Authority: IC 20-19-2-8

Affected: IC 20-20-1-2; IC 20-20-1-3; IC 20-20-1-5

Sec. 4. (a) Participation in services and programs provided by an ESC shall be discretionary, and no school corporation shall be compelled under this authority to participate. Except as provided in section 3(e) of this rule, a school corporation may not be a member of any ESC other than provided for in section 2 of this rule. A school corporation may, however, receive services from another ESC either through a cooperative contractual agreement administered by the ESC of which the corporation is a member or by direct contractual arrangement between the school corporation and the other ESC. This nonmember arrangement is encouraged if an ESC is unable to provide the service and especially where it is more practical to provide it through this arrangement.

(b) Full membership in an ESC shall be limited to public school corporations of the state. A center may provide services to nonpublic schools to the extent allowed by law and in accordance with criteria established by the governing board for providing such services. Information regarding the organization of an ESC shall be disseminated to nonpublic schools located within the membership area. (*Indiana State Board of Education; Rule SC-1, Sec 4; filed Jul 24, 1978, 9:20 a.m.: 1 IR 572; filed Sep 24, 1997, 3:35 p.m.: 21 IR 381; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*)

*NOTE: Transferred from the Commission on General Education (510 IAC 14-1-4) to the Indiana State Board of Education (511 IAC 4-4-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 5-1-3 Authority to grant diploma**

Authority: IC 20-20-6-3

Affected: IC 20-20-6

Sec. 3. The department of education will grant the state of Indiana general educational development (GED) diploma on the basis of official GED test results, provided the requirements of section 2 of this rule are met. A school corporation or accredited nonpublic school has the option of issuing a GED diploma. (*Indiana State Board of Education; 511 IAC 5-1-3; filed Feb 13, 1980, 11:30 a.m.: 3 IR 329; filed Feb 13, 1989, 9:30 a.m.: 12 IR 1507; filed Oct 10, 1997, 10:20 a.m.: 21 IR 383; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) *NOTE: Transferred from the Commission on General Education (510 IAC 10-1.1-3) to the Indiana State Board of Education (511 IAC 5-1-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 5-1-4 Testing centers and procedures**

Authority: IC 20-20-6-3

Affected: IC 20-20-6

Sec. 4. (a) The department of education shall:

- (1) determine the number and the location of official GED testing centers in Indiana based on the need for services;
- (2) designate a local chief examiner to administer the GED tests at each of the centers; and
- (3) establish a maximum fee for the testing services.

(b) Testing must be conducted under conditions that ensure a minimum of distraction, prevent cheating, and provide test security.

(c) Each official GED testing center shall provide the department of education with a report of testing schedules throughout the year and adhere to all procedures related to administration and centralized scoring of GED tests.

(d) Each official GED testing center shall be responsible for providing the department of public instruction with:

- (1) a report of test scores for each applicant who tests in the center; and
- (2) a report of testing schedules throughout the year.

(*Indiana State Board of Education; 511 IAC 5-1-4; filed Feb 13, 1980, 11:30 a.m.: 3 IR 329; filed Oct 26, 1983, 9:11 a.m.: 7 IR 46; filed Oct 10, 1997, 10:20 a.m.: 21 IR 383; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) *NOTE: Transferred from the Commission on General Education (510 IAC 10-1.1-4) to the Indiana State Board of Education (511 IAC 5-1-4) by P.L.20-1984, SECTION 206, effective July 1, 1984.*

#### **511 IAC 5-1-4.5 Time limit**

Authority: IC 20-20-6-3

Affected: IC 20-20-6

Sec. 4.5. An applicant must complete all five (5) tests in the GED test battery within thirty-five (35) days. If an applicant does not meet this requirement, the test administration is incomplete. Scores from incomplete test administrations are not reported or used to determine retesting requirements under section 6 of this rule. (*Indiana State Board of Education; 511 IAC 5-1-4.5; filed Oct 10, 1997, 10:20 a.m.: 21 IR 384; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*)

#### **511 IAC 5-2-3 Applicability**

Authority: IC 20-19-2-8; IC 20-32-5-22

Affected: IC 20-31-4; IC 20-31-11; IC 20-32-8

Sec. 3. (a) Any nonpublic school seeking accreditation and all school corporations shall administer the ISTEP criterion-referenced test to each student in grades 3, 6, 8, and 10.

(b) A student with a disability under 511 IAC 7 shall participate in the ISTEP program as required by federal law.

(c) A student whose primary language is other than English and who is a student with limited English proficiency shall participate in the ISTEP program as required by federal law.

(d) The building principal must document the exemption of a student from participation in the ISTEP program in the student's permanent educational record. For a student under subsection (b), the student's participation must be included in the student's IEP as defined under 511 IAC 7. (*Indiana State Board of Education; 511 IAC 5-2-3; filed May 4, 1988, 8:40 a.m.: 11 IR 3037; filed Nov 13, 2000, 8:01 a.m.: 24 IR 994; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1148; filed Jun 17, 2003, 9:30 a.m.: 26 IR 3645*)

### **511 IAC 5-3-1 Definitions**

Authority: IC 20-19-2-8; IC 20-32-5-22

Affected: IC 20-32-4

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Attendance rate" means the number of instructional days a student is present divided by the number of instructional days provided by the school during a specific period. Exceptions to compulsory attendance and excused absences shall be included as instructional days present for the purpose of this calculation.

(c) "Board" means the Indiana state board of education.

(d) "Educational proficiency standard" means the knowledge and skills that are:

(1) expected of a student for a particular subject area; and

(2) demonstrated by achieving a passing score on the graduation examination.

(e) "Graduation examination" means the test designated by the board under the ISTEP program which each student, beginning with the class of students who expect to graduate during the 1999-2000 school year, must pass to be eligible to graduate.

(f) "Principal" means a properly certified person who is assigned as the chief administrative officer of the school where the student attends.

(g) "Student" means any individual enrolled in a school accredited or approved by the board.

(h) "Subject area" means an academic course of study for which the department of education has developed educational proficiency statements and which the board has included in the graduation examination.

(i) "Teacher" means a properly certified, licensed person assigned to instruction of a student in a subject area. (*Indiana State Board of Education; 511 IAC 5-3-1; filed Aug 20, 1997, 3:20 p.m.: 21 IR 82; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*)

### **511 IAC 6-7-7 Correspondence courses; credit**

Authority: IC 20-19-2-8

Affected: IC 20-26-5-1

Sec. 7. A student desiring to complete courses by correspondence first obtains the approval of the local school board, or its designee. The local school board has the option of establishing a maximum number of credits acceptable for meeting graduation requirements. Correspondence credits are acceptable only when taken from an institution properly accredited by the appropriate regional accrediting association affiliated with or approved by the council on postsecondary accreditation (COPA) or the Indiana commission for postsecondary proprietary education. (*Indiana State Board of Education; Rule G-1, Sec 5; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 121; filed Mar 29, 1982, 2:25 p.m.: 5 IR 985; filed Aug 26, 1983, 3:04 p.m.: 6 IR 1923; filed Oct 6, 1997, 5:20 p.m.: 21 IR 388; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Transferred from the Commission on General Education (510 IAC 9-2-5) to the Indiana State Board of Education (511 IAC 6-7-7) by P.L.20-1984, SECTION 206, effective July 1, 1984.

### **511 IAC 6-8-1 Definitions**

Authority: IC 20-19-2-8

Affected: IC 20-18-2-16

Sec. 1. (a) In addition to the definitions in 511 IAC 6.1-1-2, the definitions in this section apply throughout this rule.

(b) "Board" means the Indiana state board of education.

(c) "Course" means a systematized unit of study of a specific body of knowledge or set of skills similar to those courses identified by course titles in 511 IAC 6.1-5.1 and usually of one (1) school year or less in duration.

(d) "Curriculum program" means a systematized program of study of greater scope or duration than a course.

(e) "Department" means the state department of education.

(f) "Governing body" means the board, commission, etc. charged with the responsibility of administering the affairs of:

- (1) a school corporation;
- (2) nonpublic schools; or
- (3) group of nonpublic schools.

(g) "Nonpublic school" means any school accredited by the board that serves any of the grades kindergarten (K) through twelve (12) not maintained by a school corporation.

(h) "Nonstandard courses and curriculum programs" means those courses or curriculum programs that differ from those authorized by the rules of the board in ways including, but not limited to, content, organization, methods, staffing, course title, instructional materials, or criteria for course or program completion; however, courses and curriculum programs covered by this rule shall not include those falling within the provisions for gifted and talented education in 511 IAC 6-9.

(i) "Public school" means any school maintained by a school corporation as defined in 511 IAC 6.1-1-2(s). (*Indiana State Board of Education; 511 IAC 6-8-1; filed Sep 13, 1984, 10:09 a.m.: 8 IR 70; filed Oct 6, 1997, 5:20 p.m.: 21 IR 388; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Agency cited as 510 IAC 4-6-1, which was renumbered by legislative services agency as 511 IAC 6-8-1.

### **511 IAC 6-8-2 Waiver to implement nonstandard courses and curriculum programs**

Authority: IC 20-19-2-8

Affected: IC 20-26-5-1; IC 20-30

Sec. 2. Public and accredited nonpublic schools in Indiana shall have the opportunity to apply for a waiver to implement or continue nonstandard courses and curriculum programs. For a school to be granted a waiver, it shall do the following:

- (1) Provide the department evidence that the proposed course or curriculum program will better serve its students than any authorized by the rules of the board.
- (2) Assure the department that it will conduct a continuing evaluation of the effectiveness of the proposed courses or curriculum programs and provide the department with annual reports of the results of that evaluation as well as a final report at the termination of the waiver period.
- (3) Specify the period of time for which the waiver is sought, never to exceed three (3) years, or until the school's next accreditation year under 511 IAC 6.1-1.

(*Indiana State Board of Education; 511 IAC 6-8-2; filed Sep 13, 1984, 10:09 a.m.: 8 IR 70; filed Oct 6, 1997, 5:20 p.m.: 21 IR 388; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Agency cited as 510 IAC 4-6-2, which was renumbered by legislative services agency as 511 IAC 6-8-2.

### **511 IAC 6-8-3 Application procedures; implementation of proposed courses or programs**

Authority: IC 20-19-2-8

Affected: IC 20-26-5-1; IC 20-30

Sec. 3. (a) The governing body charged with administering a public or nonpublic school desiring to implement a nonstandard course or curriculum program shall submit an application for waiver to the department at least five (5) months prior to the planned implementation of the course or curriculum program; however, initial proposals involving a major modification in the operation of a school or school corporation shall be submitted at least eight (8) months prior to the planned implementation.

(b) An application for an extension of a waiver, along with a report of the evaluation for the expiring waiver period, shall be submitted at least three (3) months prior to the beginning of the extension period.

(c) Amendments to previously approved waivers shall be submitted at least three (3) months prior to the planned implementation of any proposed modification of the original proposal requiring:

- (1) the waiver of additional rules of the board; or
- (2) expansion of the course or program to additional schools.

(d) The governing body shall finalize no contracts required for the implementation of the proposed course or curriculum program prior to waiver approval by the department. (*Indiana State Board of Education; 511 IAC 6-8-3; filed Sep 13, 1984, 10:09 a.m.: 8 IR 70; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960*) NOTE: Agency cited as 510 IAC 4-6-3, which was renumbered by legislative services agency as 511 IAC 6-8-3.

### **511 IAC 6-8-4 Application contents**

Authority: IC 20-19-2-8

Affected: IC 20-26-5-1; IC 20-30

Sec. 4. The waiver application shall contain:

- (1) the name and address of the school corporation, non-public school or group of non-public schools requesting the waiver;
- (2) the name and address of the school(s) in which the proposed course or curriculum program will be implemented;
- (3) the name, address and phone number of the local contact person most knowledgeable about the proposal;
- (4) the grade level(s) and approximate number of the students who will participate;
- (5) the identification of the rules sections for which waivers are being requested;
- (6) the beginning date for the planned implementation; the duration of the proposed waiver period; and in the case of an extension or an amendment of a previously approved waiver, the date of the last application;
- (7) in the case of a high school course or program, the number of credits to be awarded;
- (8) the signature of the superintendent;
- (9) a narrative description of the proposed course or curriculum program including:
  - (A) Rationale—A statement of purpose, including how the proposed course or curriculum program will more effectively serve the needs of the students.
  - (B) Instructional objectives—Statements of the kinds of learning that will result from the implementation of the program.
  - (C) Course or program description—A summary of the content and educational activities to be included in the proposed course or curriculum program.
  - (D) Instructional materials—Identification and/or description of the basal instructional materials to be used.
  - (E) Staffing—A statement of the qualifications of staff members who will implement the program and/or the training which will be provided the implementation staff.
  - (F) Evaluation—A description of how:
    - (i) student progress in the program will be evaluated, and
    - (ii) the effectiveness of the program will be evaluated.
  - (G) Contracts—A description of any special contracts which the governing body will have to execute in order to implement the proposal.
  - (H) Resources—A statement of what local, state, federal or other funds will be used to support the proposed course or program, as well as a description of other available or needed resources and facilities.
  - (I) Planning—A description of the planning process, including the extent of community and staff involvement.

*(Indiana State Board of Education; 511 IAC 6-8-4; filed Sep 13, 1984, 10:09 am: 8 IR 71; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Agency cited as 510 IAC 4-6-4, which was renumbered by legislative services agency as 511 IAC 6-8-4.*

### **511 IAC 6-8-5 Relationship with performance-based accreditation**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-30

Sec. 5. (a) In lieu of applying for a waiver to implement a nonstandard course or curriculum program under sections 2 through 4 of this rule, a public or nonpublic school may include the information described in section 4 of this rule in the school improvement plan required under 511 IAC 6.1-7-1.

(b) If a school described in subsection (a) is accorded full accreditation status or is accorded probationary accreditation status for a reason other than failure to comply with 511 IAC 6.1-7, the school will be considered to have received a waiver to implement the nonstandard course or curriculum program described in the school improvement plan.

(c) The waiver described in subsection (b) is valid until the school's next accreditation review. *(Indiana State Board of Education; 511 IAC 6-8-5; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

### **511 IAC 6-8-6 Appeal to the board**

Authority: IC 20-19-2-8

Affected: IC 20-30

Sec. 6. A school corporation may appeal a decision of the department under this rule to the board. *(Indiana State Board of Education; 511 IAC 6-8-6; filed Oct 6, 1997, 5:20 p.m.: 21 IR 389; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

### **511 IAC 6.1-5-3.5 Middle level curriculum**

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-30-5; IC 20-31-3; IC 20-31-4-1

Sec. 3.5. (a) In each grade 7 and 8, or each grade 6 through 8 in middle schools that include grade 6, the middle school curriculum:

- (1) shall include a balance of learning experiences in the subject areas listed in subsections (b) through (l) and should be provided through interdisciplinary activities;
  - (2) shall be appropriate to the developmental characteristics of young adolescents;
  - (3) shall be consistent with the proficiency guides developed under IC 20-10.1-16-6 [*IC 20-10.1 was repealed by P.L.1-2005, SECTION 240, effective July 1, 2005. See IC 20-31-3.*] and the general principles in section 0.5 of this rule;
  - (4) should develop student competency in gathering, using, and evaluating information and ideas in a technology-rich environment; and
  - (5) may be provided in a team setting.
- (b) Middle school language arts shall provide:
- (1) an integrated study of:
    - (A) literature;
    - (B) media;
    - (C) reading and writing processes;
    - (D) oral communications; and
    - (E) language, including grammar, usage, mechanics, and spelling as tools of effective communication; and
  - (2) experiences to enable students to become proficient language users as:
    - (A) readers;
    - (B) writers;
    - (C) listeners;
    - (D) speakers; and
    - (E) thinkers.
- (c) Middle school mathematics shall provide active learning experiences through which students:
- (1) are allowed to discover mathematical relationships;
  - (2) come to appreciate the power and utility of mathematics;
  - (3) acquire knowledge, skills, and tools necessary for using mathematics in their lives; and
  - (4) have opportunities to apply their understanding to more complex situations and the solution of real problems.
- (d) Middle school social studies and citizenship shall provide:
- (1) opportunities for students to actively acquire and use the thinking skills, knowledge, and attitudes necessary for participatory citizenship; and
  - (2) experiences through a balanced study of:
    - (A) history;
    - (B) geography;
    - (C) economics;
    - (D) world cultures;
    - (E) government and law; and
    - (F) citizen responsibilities in a democratic society.
- (e) Middle school science shall:
- (1) provide hands-on learning opportunities through which students become adept in using sciencing skills, processes, and attitudes to develop an understanding of:
    - (A) the structure of the universe;
    - (B) the physical principles on which the universe operates;
    - (C) the living environment;
    - (D) the human organism; and
    - (E) the designed world; and
  - (2) require students to go beyond the verbalization of principles and the schematic representation of structures when questioned to the development of familiarity that prompts their applications as germane to personal needs or societal issues.
- (f) Middle school fine arts shall meet student needs for aesthetic enrichment and development of artistic and musical talents and abilities. Diverse options based on student needs shall include the following:
- (1) Large and small groups.
  - (2) Laboratory experiences in music and visual arts.
- (g) The visual arts curriculum shall help students:
- (1) continue to develop a student's knowledge, concepts, perceptual, analytical, and technical skills in:
    - (A) art history;
    - (B) criticism;
    - (C) aesthetics; and
    - (D) production; and



- (2) use two (2) and three (3) dimensional media to increase a student's:
    - (A) knowledge of the elements and principles of art;
    - (B) ability to learn evaluative techniques in order to make informed judgments;
    - (C) ability to solve problems creatively through personal expression; and
    - (D) ability to appreciate art.
  - (h) The music curriculum shall:
    - (1) provide experiences in listening, performing, creating, and movement;
    - (2) include the study of the structural elements of music; and
    - (3) continue to build perceptual, analytical, and technical skills and concepts that will enhance student ability to:
      - (A) perform;
      - (B) make informed judgments;
      - (C) be critical listeners; and
      - (D) appreciate music.
  - (i) The practical arts education curriculum shall:
    - (1) provide experiences through which students:
      - (A) recognize technological systems and developments;
      - (B) become aware of the possibilities and limitations of technology;
      - (C) use technological systems and developments to prevent and solve problems related to home, school, community, and workplace;
      - (D) develop skills in managing individual and family responsibilities; and
      - (E) assess personal interests and aptitudes in relation to various career opportunities; and
    - (2) provide the experiences in subdivision (1) through the areas of:
      - (A) agribusiness;
      - (B) business;
      - (C) home economics; and
      - (D) industrial technology.
  - (j) The middle school health education curriculum shall provide the coordinated development of knowledge, concepts, skills, and behaviors related to the student's present and future health and well-being in the following areas:
    - (1) Growth and development.
    - (2) Mental and emotional health.
    - (3) Community and environmental health.
    - (4) Nutrition.
    - (5) Family life education.
    - (6) Consumer health.
    - (7) Personal health.
    - (8) Alcohol and other drugs.
    - (9) Intentional and unintentional injury.
    - (10) Health promotion and disease prevention.
- Provided, however, that nothing in this subsection is to be interpreted as a requirement for instruction concerning the expression of human sexuality.
- (k) Middle school physical education shall provide experiences through which the students develop:
    - (1) knowledge and skills in:
      - (A) aerobic endurance;
      - (B) body composition;
      - (C) flexibility; and
      - (D) muscular strength and endurance;
    - (2) fundamental and refined techniques of movement in:
      - (A) rhythmic activities;
      - (B) lifetime recreational activities; and
      - (C) fitness activities; and
    - (3) better skills in all areas through participation in intramural activities.
  - (l) The middle school advisor-advisee program shall provide students with opportunities for regular communication with a licensed teacher about the student's academic program. The advisor-advisee program may include, but is not limited to, the following activities:
    - (1) Career awareness.
    - (2) Study skills.
    - (3) Reading skills.
    - (4) Conflict resolution.

(m) Middle school curriculum should be enriched through exploratory experiences such as, but not limited to, the following:

- (1) Career explorations, including opportunities that:
  - (A) support a positive attitude toward work;
  - (B) develop transition skills needed for life and career adjustments;
  - (C) understand the relationships between personal qualities and work choices;
  - (D) focus on making decisions, setting goals, and taking action;
  - (E) explore lifestyle and career planning;
  - (F) assist students to learn how to use leisure time; and
  - (G) help students to understand how community awareness relates to work.
- (2) Community service activities that give students structured opportunities to:
  - (A) apply curriculum-based knowledge in experiential settings through fulfillment of an unmet community need; and
  - (B) reflect on and understand the impact and importance of their efforts as well as the educational benefit to themselves.
- (3) Foreign language education that provides students with the ability to:
  - (A) communicate in languages other than their own; and
  - (B) develop understanding of cultures where other languages are spoken.
- (4) International education that:
  - (A) provides for the study of specific societies, languages, and world issues;
  - (B) cuts across traditional disciplines; and
  - (C) includes themes and concepts from:
    - (i) the natural sciences;
    - (ii) the social sciences;
    - (iii) technology;
    - (iv) the fine arts; and
    - (v) the humanities.
- (5) An intramural program in lifetime recreational sports and health-related fitness activities.
- (6) A theatre arts and dance/creative movement curriculum in which students:
  - (A) acquire knowledge and understanding of the elements of drama and dance/creative movement;
  - (B) explore personal expression through movement, voice, and language;
  - (C) make informed judgments; and
  - (D) develop technical skills in the areas of production and performance.
- (7) Enrichment experiences such as activity periods, clubs, and interest groups that provide learning opportunities to:
  - (A) satisfy a wide range of interests;
  - (B) develop social skills; and
  - (C) practice leadership roles.

(n) A school that includes grade 9 shall organize its schedule for grade 9 as specified in 511 IAC 6.1-3-4 [511 IAC 6.1-3-4 expired under IC 4-22-2.5, effective January 1, 2008.] and section 4 of this rule.

(o) The recommended time allocations for the curriculum in subsections (b) through (k) for grades 7 and 8, and grade 6 when it is included in a middle school, are as follows:

Subject Area	Grade Level	Weekly Minimum
Language arts	6	400 minutes
	7 and 8	200 minutes
Mathematics	6, 7, and 8	200 minutes
Social studies/citizenship	6, 7, and 8	200 minutes
Science	6, 7, and 8	200 minutes
Additional instruction, including remediation, in language arts, mathematics, social studies /citizenship, and science, which may include foreign Language	7 and 8	200 minutes
Visual arts	6, 7, and 8	50 minutes
Music	6, 7, and 8	50 minutes
Practical arts/industrial technology education	6, 7, and 8	100 minutes
Health and safety education	6, 7, and 8	100 minutes
Physical education	6, 7, and 8	100 minutes
Additional experiences in any of the above areas or	6, 7, and 8	400 minutes

other areas, such as foreign language, creative experiences, or performing arts classes

(p) Weekly time allocations in subsection (o) may alternatively be allocated on a yearly basis.

(q) The provisions of subsection (o) notwithstanding, the time allocations in subsection (o) are required for the curriculum listed in subsections (b) through (k) for grades 7 and 8, and grade 6 when it is included in a middle school, until July 1, 1994.

*(Indiana State Board of Education; 511 IAC 6.1-5-3.5; filed Dec 22, 1992, 5:00 p.m.: 16 IR 1385, eff Jul 1, 1993; filed Oct 6, 1997, 5:20 p.m.: 21 IR 391; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960)*

#### **511 IAC 6.2-6-4 School improvement and performance categories; placement of school and school corporation in categories; measures used; nonmobile cohort group of students**

Authority: IC 20-19-2-8; IC 20-31-4; IC 20-31-10-1

Affected: IC 20-31-8

Sec. 4. (a) The base year for improvement and performance determinations for elementary and middle schools will be the

2003-2004 school year. The base year for high schools will be the 2004-2005 school year.

(b) Beginning in the 2005-2006 school year, the board annually shall place a school and school corporation in a school improvement and performance category based on results of mandatory annual assessments. English/language arts and mathematics test results will be used initially. Science and social studies test results will be added when those tests are implemented.

(c) School performance is based on the percentage of all students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels. Science and social studies test results will be added when those tests are implemented.

(d) School improvement is based on increases in achievement of a nonmobile cohort group of students as they progress through school. Increases in achievement will be measured by percentage point increases in students who pass mandatory annual assessments in English/language arts and mathematics calculated as an average rate across subject areas and grade levels.

(e) The nonmobile cohort group of students referred to in subsection (d) includes students enrolled in the school for at least seventy percent (70%) of the school year preceding testing.

(f) After the initial determinations of school improvement, the level of school improvement shall be determined by the average of the yearly improvement for the three-year period that includes the current year and the two (2) previous years (three-year rolling average).

(g) The initial determination of school improvement for a high school will be based on a comparison of the base year to the next year. The second determination shall be based on a two (2) year average.

(h) The initial determination of school improvement for an elementary school or a middle school will be based on a two (2) year average. *(Indiana State Board of Education; 511 IAC 6.2-6-4; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2228; filed Aug 26, 2003, 4:15 p.m.: 27 IR 162)*

#### **511 IAC 6.2-6-8 Disaggregated data and category placement**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31-8

Sec. 8. Disaggregated data shall be used to determine if a school or school corporation has made adequate yearly progress under 511 IAC 6.2-7-5. *(Indiana State Board of Education; 511 IAC 6.2-6-8; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)*

#### **511 IAC 6.2-6-12 Appeal of category placement**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31-8

Sec. 12. The board shall develop criteria for a school or school corporation to appeal its category placement based on objective factors the school considers relevant because the annual assessment data does not provide an accurate picture of school improvement and performance, including significant demographic changes in the student population, errors in data, or other significant issues. *(Indiana State Board of Education; 511 IAC 6.2-6-12; filed Feb 20, 2002, 10:55 a.m.: 25 IR 2230; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163)*

#### **511 IAC 6.2-7-1 Elementary and secondary education act goals adopted**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 1. The board adopts the elementary and secondary education act goals and indicators, including the goal that, by 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in English/language arts and mathematics. (*Indiana State Board of Education; 511 IAC 6.2-7-1; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

**511 IAC 6.2-7-2 Adequate yearly progress integrated into state accountability system**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 2. The board integrates adequate yearly progress, as defined by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) into the school accountability system created by IC 20-31 and this article. (*Indiana State Board of Education; 511 IAC 6.2-7-2; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3307*)

**511 IAC 6.2-7-3 Starting point determined**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 3. The department, using data for the 2001-2002 school year, shall establish separate starting points for measuring the percentage of students meeting the pass level of academic achievement on the ISTEP+ English and mathematics assessments. Each starting point shall be based on the higher of the percentage of students at the pass level who are in:

- (1) the state's lowest achieving group of students described in section 6 of this rule; or
- (2) the school at the twentieth percentile in the state, based on enrollment, among all schools ranked by the percentage of students at the pass level.

(*Indiana State Board of Education; 511 IAC 6.2-7-3; filed Aug 26, 2003, 4:15 p.m.: 27 IR 163*)

**511 IAC 6.2-7-4 Measurable annual objectives and intermediate goals**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 4. (a) The objectives described in this section shall be the same for each of the following:

- (1) School corporation.
- (2) Public school.

(b) The initial measurable objective shall be the starting point.

(c) The annual measurable objective shall increase with each intermediate goal.

(d) Equal increments in achievement, to ensure that all students become proficient by the 2013-2014 school year, shall be calculated as follows:

STEP ONE: Subtract the starting point from one hundred percent (100%).

STEP TWO: Divide the remainder by six (6).

(e) Intermediate goals shall be determined by adding the STEP TWO of subsection (d) result to the initial measurable objective and to the resulting objective for the following school years:

- (1) 2004-2005.
- (2) 2007-2008.
- (3) 2010-2011.
- (4) 2011-2012.
- (5) 2012-2013.

(*Indiana State Board of Education; 511 IAC 6.2-7-4; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164*)

**511 IAC 6.2-7-5 Annual improvement needed to make adequate yearly progress; participation in assessments; counting date**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 5. (a) Beginning with data for the 2001-2002 school year and each subsequent year, for a school or school corporation to make adequate yearly progress under this section:

- (1) each group of students described in section 6 of this rule must meet or exceed the measurable objectives in English and the measurable objectives in mathematics under section 4 of this rule, except that if any group does not meet those objectives in any particular year, the school or school corporation shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet the pass level of academic achievement on ISTEP+ for that year decreased by ten percent (10%) of that percentage from the preceding school year and that group made progress on the other academic indicators described in section 8 of this rule;
- (2) the school or school corporation meets or exceeds the other academic indicators under section 8 of this rule; and

(3) not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in English and not less than ninety-five percent (95%) of each group of students described in section 6 of this rule who are enrolled in the school are required to take state assessments in mathematics, including an alternate:

(A) assessment for students with disabilities; and

(B) form of assessment for limited English proficient students;

except that the ninety-five percent (95%) requirement shall not apply in a case in which the number of students in a group is fewer than forty (40).

(b) The ninety-five percent (95%) requirement for each subject area shall be calculated using the number of students in the:

(1) group who participated in the assessments as the numerator; and

(2) group enrolled in the school or school corporation on the ADM count date established under 511 IAC 1-3-1.

(c) Consecutive years of failing to make adequate yearly progress shall be based on failing to meet the measurable annual objective in the same subject (English or mathematics) for consecutive years. If a school or school corporation in a given year fails to meet the annual objective in English but meets the objective in mathematics and in the next year one (1) or more student groups under section 6 of this rule fails to meet the objective in English, the school or school corporation has failed to make adequate yearly progress for two (2) consecutive years. If, however, the school or school corporation meets the annual objective in English for all student groups in the second year, then the timeline restarts. If the school or school corporation fails to meet the annual objective in mathematics, it has now failed to make adequate yearly progress for one (1) year. If the school or school corporation meets the annual objective in mathematics, the school or school corporation has no consecutive years of not making adequate yearly progress.

*(Indiana State Board of Education; 511 IAC 6.2-7-5; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164)*

#### **511 IAC 6.2-7-6 Groups of students; minimum group size**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 6. (a) The following groups of students are established for determining if a school or school corporation has made adequate yearly progress:

(1) All students.

(2) Economically disadvantaged students.

(3) Students with disabilities as defined under Section 602(3) of the Individuals with Disabilities Education Act.

(4) Limited English proficient students, who will be included as part of the group until they score at the proficient level on the test of English proficiency for two (2) consecutive years.

(5) Students from the following groups:

(A) American Indian.

(B) Asian.

(C) Black.

(D) Hispanic.

(E) White.

(b) Disaggregation of data under subsection (a) is not required if:

(1) a group has fewer than thirty (30) students;

(2) the failure of the group of students to make adequate yearly progress is not statistically significant, as determined by a onetailed binomial test of significance using an alpha level of .01.

(c) Provisions of section 5 of this rule or this section notwithstanding, groups of students as small as ten (10) shall be reported for information purposes only.

(d) To protect the confidentiality of individual data, percentages close to zero (0) shall be reported as "less than five percent (5%)" and percentages close to one hundred (100) shall be reported as "greater than ninety-five percent (95%)".

*(Indiana State Board of Education; 511 IAC 6.2-7-6; filed Aug 26, 2003, 4:15 p.m.: 27 IR 164)*

#### **511 IAC 6.2-7-7 Inclusion of students who have been enrolled for full academic year; full academic year defined**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 7. (a) Adequate yearly progress shall be calculated using data for students who have been enrolled in a school corporation or charter school for a full academic year, but performance of students who have attended more than one (1) school in a school corporation in any academic year shall be used only in determining the progress of the school corporation.

(b) A full academic year for purposes of this section is one hundred sixty-two (162) days. *(Indiana State Board of Education; 511 IAC 6.2-7-7; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165)*

**511 IAC 6.2-7-8 Other indicators**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 8. The following other academic indicators are established for the purposes described in section 5 of this rule:

(1) For high schools, graduation rate, as determined under:

(A) 511 IAC 6.1-1-2, for classes of students who graduate prior to the 2005-2006 school year; and

(B) 511 IAC 6.2-2.5-9, for classes of students who expect to graduate in the 2005-2006 school year and subsequent school years;

that increases toward a rate of ninety-five percent (95%).

(2) For elementary and middle schools, attendance rate as determined under 511 IAC 1-3-3 [511 IAC 1-3-3 expired under IC 4-22-2.5, effective January 1, 2008.], that increases toward a rate of ninety-five percent (95%).

(Indiana State Board of Education; 511 IAC 6.2-7-8; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165; filed Jul 14, 2004, 9:30 a.m.: 27 IR 4009)

**511 IAC 6.2-7-9 Use of data; averaging procedure**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 9. For the purpose of determining if schools and school corporations are making adequate yearly progress, data shall be used and averaged as follows:

(1) Data shall be averaged across grades in a school.

(2) The higher of the following shall be used to determine if a school or school corporation has made adequate yearly progress:

(A) Data from the school year for which a determination is being made.

(B) The average of data from the school year for which the determination is being made and the two (2) preceding school years.

(Indiana State Board of Education; 511 IAC 6.2-7-9; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165)

**511 IAC 6.2-7-10 Special rules for schools that do not include students at grades assessed under ISTEP+ and schools that do not meet the minimum student group size**

Authority: IC 20-19-2-8; IC 20-31-4-17; IC 20-31-10-1

Affected: IC 20-31

Sec. 10. (a) Adequate yearly progress for schools that do not include students at grades assessed under ISTEP+ shall be determined as follows:

(1) A school that includes a grade or grades below those for which there is ISTEP+ data shall be linked with the school that students attend after they leave the school for which there is no ISTEP data. The adequate yearly progress determination for the school for which there is ISTEP data shall apply to the feeder school.

(2) High schools that include only grades above those for which there is ISTEP+ data shall be paired with the feeder school for which there is high school ISTEP+ data.

(b) If a school has a student group that does not meet the minimum size for disaggregation under section 6 of this rule, adequate yearly progress for the group shall be determined by aggregating data over consecutive years, if necessary, to meet the minimum group size. (Indiana State Board of Education; 511 IAC 6.2-7-10; filed Aug 26, 2003, 4:15 p.m.: 27 IR 165)